

**SUPREME COURT CALENDAR
LOS ANGELES SESSION
DECEMBER 3 and 4, 2002**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, 3rd Floor, North Tower, Los Angeles, California, on December 3 and 4, 2002.

TUESDAY, DECEMBER 3, 2002—2:00 P.M.

- (1) S088458 Lockheed Martin Corp. v. Superior Court, County of San Bernardino; (Carrillo)
- (2) S102249 Gardner v. County of Sonoma
- (3) S094627 People v. Roberge

WEDNESDAY, DECEMBER 4, 2002—9:00 A.M.

- (4) S101435 Little v. Auto Stiegler, Inc.
- (5) S098895 Colmenares v. Braemar Country Club
- (6) S100136 Korea Supply Company v. Lockheed Martin Corp.
(George, C.J., not participating. Rubin, J., assigned Justice Pro Tempore.)

1:30 P.M.

- (7) S098233 Alford v. Superior Court, County of San Diego;
(City of San Diego)
- (8) S103084 People v. Reliford

GEORGE
Chief Justice

If exhibits are to be transmitted to this Court, counsel must comply with Rule 10(d), California Rules of Court.

**SUPREME COURT CALENDAR
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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, DECEMBER 3, 2002—2:00 P.M.

(1) Lockheed Martin Corp. v. Superior Court, County of San Bernardino; (Carrillo), S088458

#00-83 Lockheed Martin Corp. v. Superior Court, County of San Bernardino; (Carrillo), S088458. (E025064; 79 Cal.App.4th 1019.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: Does the underlying lawsuit in this case seeking medical monitoring because of contamination of ground water meet the standards of commonality required for class certification?

(2) Gardner v. County of Sonoma, S102249

#02-08 Gardner v. County of Sonoma, S102249. (A093139; 92 Cal.App.4th 1055.) Petition for review after the Court of Appeal affirmed the judgment in a proceeding for a writ of mandate. This case presents the following issue: Does a subdivision map that was filed with a county recorder's office prior to the enactment of the state's first subdivision map act in 1893 create legally subdivided parcels of land that may now be separately sold and developed without compliance with the current requirements of the Subdivision Map Act (Gov. Code, § 66410 et seq.)?

(3) *People v. Roberge*, S094627

#01-34 *People v. Roberge*, S094627. (D034189; 85 Cal.App.4th 696.) Petition for review after the Court of Appeal affirmed an order of commitment as a sexually violent predator. This case includes the following issue: What is the meaning of the phrase “likely [to] engage in sexually violent criminal behavior” as used in Welfare and Institutions Code section 6600(a), the provision describing the finding the jury must make at the civil commitment trial under the Sexually Violent Predators Act, and does the trial court have a sua sponte duty to instruct the jury of this meaning?

WEDNESDAY, DECEMBER 4, 2002—9:00 A.M.

(4) *Little v. Auto Stiegler, Inc.*, S101435

#01-165 *Little v. Auto Stiegler, Inc.*, S101435. (B147003; 92 Cal.App.4th 329.) Petition for review after the Court of Appeal reversed an order denying a motion to compel arbitration. This case includes the following issues: (1) Do the minimum procedural requirements for arbitration of claims of employment discrimination under the Fair Employment and Housing Act (Gov. Code, § 12900 et seq.) established in *Armendariz v. Foundation Health Psychcare Services, Inc.* (2000) 24 Cal.4th 83 apply to the arbitration of a claim for wrongful termination in violation of public policy? (2) Is a mandatory employment arbitration agreement, which requires review by a second arbitrator of any award in excess of \$50,000 and requires the employee to pay a pro rata share of arbitration costs, unconscionable?

(5) *Colmenares v. Braemar Country Club*, S098895

#01-103 *Colmenares v. Braemar Country Club*, S098895. (B142962; 89 Cal.App.4th 778.) Petition for review after the Court of Appeal affirmed the summary judgment in a civil action. This case includes the following issues: (1) Did the Fair Employment and Housing Act (Gov. Code, § 12940 et seq.), prior

to the enactment of Government Code section 12926.1 and the amendment of Government Code section 12926(k) by the Prudence Kay Poppink Act (Stats. 2000, ch. 1049), require that a plaintiff who alleged that he or she was discriminated against on the basis of disability prove that his or her disability substantially limited a major life activity? (2) Should the 2000 legislation, which explicitly provides that a substantial limitation is *not* required, be applied retroactively if it represents a change in the law rather than a clarification of the preexisting law?

(6) Korea Supply Company v. Lockheed Martin Corp., S100136 (George, C.J., not participating, Rubin, J., assigned Justice Pro Tempore.)

#01-142 Korea Supply Company v. Lockheed Martin Corp., S100136. (B136410; 90 Cal.App.4th 902.) Petition for review after the Court of Appeal reversed a judgment dismissing a civil action. This case includes the following issues: (1) When an entity allegedly has prevailed in a bid competition for a contract by unlawful means, may the agent of an unsuccessful bidder on the contract bring an action against the wrongdoing entity under the California Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.) to obtain “restitution” based upon the commission the agent would have earned if its principal had been successful in obtaining the contract? (2) In this factual setting, may the agent bring an action against the wrongdoing entity for intentional interference with prospective economic advantage?

1:30 P.M.

(7) Alford v. Superior Court, County of San Diego; (City of San Diego), S098233

#01-92 Alford v. Superior Court, County of San Diego; (City of San Diego), S098233. (D036869; 89 Cal.App.4th 356.) Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. The court limited review to the following issues: (1) Does Evidence Code section 1045(e) limit use

of information disclosed pursuant to a *Pitchess* motion (*Pitchess v. Superior Court* (1974) 11 Cal.3d 531) to the proceeding in which disclosure was sought?

(2) Does the prosecutor have standing to be heard in such proceedings and to obtain information disclosed to the defense pursuant to such motion?

(8) *People v. Reliford, S103084*

#02-23 *People v. Reliford, S103084*. (B141201; 93 Cal.App.4th 973.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Does CALJIC No. 2.50.01 (1999 rev.) correctly instruct on the burden of proof when evidence of prior sexual offenses is admitted under Evidence Code section 1108, and, if it does not, what is the applicable harmless error standard when that instruction has been given?